

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE STATE STREET BANK AND :
TRUST CO. ERISA LITIGATION : 07 Civ. 8488 (RJH)
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This document relates to: :
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07 Civ. 9319 : DECLARATION OF DEREK W.
07 Civ. 9687 : LOESER
08 Civ. 0265 :
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DECLARATION OF DEREK W. LOESER

I, DEREK W. LOESER, declare as follows:

1. I am a partner with the law firm of Keller Rohrback L.L.P., Interim Co-Lead Counsel for Plaintiffs in the above-entitled actions. I submit this declaration in support of Plaintiffs' Motion for Leave to File a Consolidated Amended Complaint. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached as Exhibit A is a true and correct copy of the proposed Consolidated Amended Complaint.

3. I sought consent of Defendants to file the Consolidated Amended Complaint (and provided Defendants with a copy of the proposed Consolidated Amended Complaint) but was

informed on the afternoon of March 18, 2008 that State Street would not consent to the filing of the Consolidated Amended Complaint without this Court's order.

4. Attached as Exhibit B is a true and correct copy of an email I received from Robert Skinner, litigation counsel for State Street, on March 18, 2008.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 27, 2008

s/ Derek W. Loeser

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